

fund, investment company, or bank the fair value of such stock or bond does not exceed 1 per cent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, the prohibitions of section 208(a) shall not apply if the employee obtains advance clearance in accordance with the requirements of section 208.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplementation of salary as compensation for their Government service from any source other than the United States. The statutory provisions described in this section are intended to call each employee's attention to problem areas and are not intended as a comprehensive description or interpretation of statutory prohibitions or the exceptions thereto. Employees who need guidance concerning the scope and application of the conflict-of-interest laws and their execution should consult the Chairman.

§ 2202.12 Clearance.

(a) Any employee who is engaged or is planning to engage in outside employment, business, professional, or other such activities has a positive obligation to inform himself fully concerning the requirements of this subpart and any laws, orders, regulations, or standards applicable to such activities. An employee shall request clearance from the Chairman as to whether such planned or current activities are prohibited:

(1) When such activities raise a substantial question of conflict with this subpart or any applicable laws, orders, regulations or standards;

(2) When applicable laws, orders, regulations, or standards require clearance of such activities; or

(3) When the employee is specifically so required by the individual responsible for clearance in order to avoid possible conflict with applicable laws, orders, regulations, or standards. The clearance request shall be in writing and shall include, at a minimum, the identity of the employee, a statement of the nature of the employment or activity, and the amount of time to be devoted to the employment or activity. The Chairman may require the employee to furnish such other informa-

tion as may be appropriate in considering the clearance request. He may grant clearance only when he believes such activities would be consistent with applicable laws, orders, regulations, and standards. If clearance is not granted, the employee shall not commence or continue the outside employment or activity.

(4) The Chairman may exempt specific activities from these reporting requirements when he decides such activities cannot result in any substantial conflict of interest.

(b) The requirements set forth in this subpart are separate from and in addition to any provision under subpart E of this part requiring an employee to submit a statement of employment and financial interests or any other requirements of that subpart.

Subpart D—Gifts, Fees, Entertainment, Favors

§ 2202.13 Acceptance of gratuities generally.

No employee shall solicit, accept, or agree to accept any direct or indirect favor, gift, loan, free service, gratuity, entertainment, or other item of economic value if the donor has or is seeking to obtain contractual or other business or financial relations with OSHRC, has interests that may be substantially affected by the performance or nonperformance of official duties, is attempting to reward or influence the employee's official actions, or if acceptance of such item could affect the employee's impartiality, or give that appearance. An employee shall not accept a gift, present, decoration, or other thing from a foreign Government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. No regular Government employee may receive any salary or supplementation of salary from a private source as compensation for services to the Government.

§ 2202.14 Payments, expenses, reimbursement, entertainment, etc., from non-Government sources.

(a) In general, Decision B-1285727 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other

expenses from private sources by an employee on official business or agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; provided, that an employee may not, without the written permission of the Chairman (except as allowed by § 2202.16(a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such time as OSHRC pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B-128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment:

(1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner;

(2) Would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions;

(3) Would be compatible with the Code of Ethics of Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session;

(4) Would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case, and

(5) If the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting.

Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 2202.15 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 2202.16 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civil organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training situations in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of OSHRC and to observe the other